

BEFORE THE BOARD OF REAL ESTATE APPRAISERS

STATE OF IDAHO

ORIGINAL

In the Matter of the License of: )  
MARY K. BALL, ) Case No. REA-2004-4  
License No. LRA-194, )  
Respondent. ) **STIPULATION AND**  
 ) **CONSENT ORDER**  
 )

REA\Ball\P42361sa.DOC

WHEREAS, information having been received by the Idaho State Board of Real Estate Appraisers (hereinafter the "Board") which constitutes sufficient grounds for the initiation of an administrative action against Mary K. Ball (hereinafter "Respondent"); and

WHEREAS, the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A.

1. The Board may regulate the practice of real estate appraising in the State of Idaho in accordance with title 54, chapter 41, Idaho Code.

2. Respondent Mary K. Ball is a licensee of the Idaho State Board of Real Estate Appraisers and holds License No. LRA-194 to practice real estate appraising in the State of Idaho. Respondent's license is subject to the provisions of title 54, chapter 41, Idaho Code.

3. Appraisals in the State of Idaho must comply with the minimum standards set forth in the Uniform Standards of Professional Appraisal Practices ("USPAP").

4. On or about November 5, 1998, Respondent prepared an appraisal report for the property located at 149 Hunt Gulch Road in Kingston, Idaho (the "Subject

Property”).

5. Respondent’s appraisal report for the Subject Property failed to meet the following requirements of USPAP Standards (1998):

a. Respondent assumed that since the original manufactured home had been extensively expanded and remodeled and its interior walls, flooring and windows had been replaced, the property could now be considered to be a conventional ranch-style home, which creates a series of errors that affects her conclusions, in violation of Standards Rules 1-1(a), (b) and (c);

b. Respondent failed to analyze the sale of a property with a manufactured home located at 606 Oregon in Pinehurst, Idaho, which should have been used as a fourth comparable to allow the user to make sound underwriting decisions, and appropriate adjustments were not made for design and appeal, construction and condition of the subject, in violation of Standards Rule 1-4(a);

c. The cost approach is not applicable due to the original single-wide status of the improvements, and Respondent failed to invoke the departure provision in the cost approach in violation of Standards Rule 4-1(b); and

d. The report mentions in only one area that the property is a manufactured home with a conventionally built addition, and the description of the manufactured and constructed improvements is vague, resulting in a misleading report in violation of Standards Rules 2-1(a) and (b).

6. The above-stated allegations, if proven, would constitute a violation of the laws and rules governing the practice of real estate appraising, specifically Idaho Code § 54-4107(1)(e) and IDAPA 24.18.01.700. Violations of these laws and rules would further constitute grounds for disciplinary action against Respondent’s license to practice real estate appraising in the State of Idaho.

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7. Respondent, in lieu of proceeding with a formal disciplinary action to adjudicate the allegations as set forth above, hereby admits the violations and agrees to the discipline against her license as set forth in Section C below.

**B.**

I, Mary K. Ball, by affixing my signature hereto, acknowledge that:

1. I have read and admit the allegations pending before the Board, as stated above in section A. I further understand that these allegations constitute cause for disciplinary action upon my license to practice as a real estate appraiser in the State of Idaho.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to so testify myself; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of real estate appraising in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this stipulation as a resolution of the pending allegations.

3. I understand that in signing this consent order I am enabling the Board to impose disciplinary action upon my license without further process.

**C.**

Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon this stipulation whereby:

1. License No. LRA-194 issued to Respondent Mary K. Ball is hereby placed on probation for a period of six (6) months from date of entry of the Board's Order.

2. Respondent shall pay to the Board an administrative fine in the amount of One Thousand and No/100 Dollars (\$1,000.00) within thirty (30) days of the entry of the Board's Order.

3. Respondent shall pay investigative costs and attorney fees in the amount of

One Thousand Three Hundred Fifty and No/100 Dollars (\$1,350.00) within thirty (30) days of the entry of the Board's Order.

4. Following her execution hereof, Respondent shall take a 15-unit USPAP course and successfully pass the USPAP examination not later than sixty (60) days from the date of entry of the Board's Order. Respondent shall submit proof of attendance and proof that she passed any given examinations within 30 days of attendance. Said 15 hours of continuing education shall not count toward Respondent's continuing education requirements.

5. The conditions of probation are as follows:

a. Respondent shall comply with all state, federal and local laws, rules and regulations governing the practice of real estate appraisals in the State of Idaho.

b. The Board reserves the right to audit Respondent's appraisal files upon request. Any requested audit shall be forwarded to the Bureau of Occupational Licenses, 1109 Main Street, Suite 220, Boise, Idaho 83702, by the last day of the following month.

c. Respondent shall inform the Board in writing of any change of place of practice or place of business within 15 days of such change.

d. In the event Respondent should leave Idaho for three (3) continuous months, or to reside or practice outside of the state, Respondent must provide written notification to the Board of the dates of departure, address of intended residence or place of business, and indicate whether Respondent intends to return. Periods of time spent outside Idaho will not apply to the reduction of this period or excuse compliance with the terms of this Stipulation.

e. Respondent shall fully cooperate with the Board and its agents, and submit any documents or other information within a reasonable time after a request is made for such documents or information.

f. Respondent shall make all files, records, correspondence or other

documents available immediately upon the demand of any member of the Board's staff or its agents.

6. At the conclusion of the six-month probation period, Respondent's License No. LRA-194 shall be reinstated without further restriction contingent upon the completion of the requirements of Paragraphs C(2), (3) and (4) set forth above. Any request for reinstatement must be accompanied by written proof of compliance with the terms of this Stipulation.

7. All costs associated with compliance with the terms of this stipulation are the sole responsibility of Respondent.

8. The violation of any of the terms of this Stipulation by Respondent will warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

**D.**

1. It is hereby agreed between the parties that this Stipulation shall be presented to the Board with a recommendation for approval from the Deputy Attorney General responsible for prosecution before the Board at the next regularly scheduled meeting of the Board.

2. Respondent understands that the Board is free to accept, modify with Respondent's approval, or reject this Stipulation, and if rejected by the Board, a formal complaint may be filed against Respondent. Respondent hereby agrees to waive any right Respondent may have to challenge the impartiality of the Board to hear the disciplinary complaint if, after review by the Board, this Stipulation is rejected.

3. If the Stipulation is not accepted by the Board, it shall be regarded as null and void. Admissions by Respondent in the Stipulation will not be regarded as evidence against Respondent at the subsequent disciplinary hearing.

4. The Consent Order shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

5. Any failure on the part of Respondent to timely and completely comply with any term or condition herein shall be deemed a default.

6. Any default of this Stipulation and Consent Order shall be considered a violation of Idaho Code § 54-4107. If Respondent violates or fails to comply with this Stipulation and Consent Order, the Board may impose additional discipline pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board. Within twenty-one (21) days after the notice of hearing and charges is served, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations will be deemed admitted.

b. At the hearing before the Board upon default, the Board and Respondent may submit affidavits made on personal knowledge and argument based upon the record in support of their positions. Respondent waives a hearing before the Board on the facts and substantive matters related to the violations described in Section A, and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials with respect to said substantive matters.

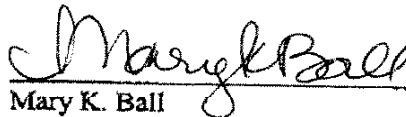
c. At the hearing, the Board will determine whether to impose additional disciplinary action, which may include conditions or limitations upon Respondent's practice or suspension or revocation of Respondent's license.

7. The Board shall have the right to make full disclosure of this Stipulation and Consent Order and the underlying facts relating hereto to any state, agency or individual requesting information subject to any applicable provisions of the Idaho Public Records Act, Idaho Code §§ 9-337-50.

8. This Stipulation and Consent Order contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this stipulation according to the aforementioned terms, and I hereby agree to the above stipulation for settlement. I understand that if the Board approves this stipulation subject to changes, and the changes are acceptable to me, the stipulation will take effect and an order modifying the terms of the stipulation will be issued. If the changes are unacceptable to me or the Board rejects this stipulation, it will be of no effect.

DATED this 31<sup>st</sup> day of August, 2004.



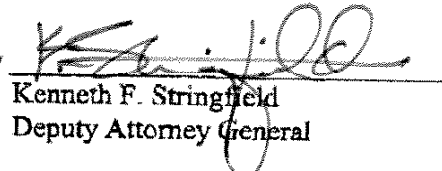
Mary K. Ball  
Respondent

I concur in this stipulation and order.

DATED this 1<sup>st</sup> day of SEPTEMBER, 2004.

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

By

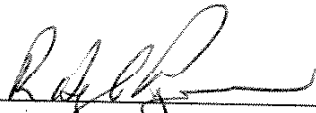
  
Kenneth F. Stringfield  
Deputy Attorney General

**ORDER**

Pursuant to Idaho Code § 54-4106, the foregoing is adopted as the decision of the Board of Real Estate Appraisers in this matter and shall be effective on the 18th day of October, 2004. **IT IS SO ORDERED.**

IDAHO STATE BOARD  
OF REAL ESTATE APPRAISERS

By

  
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Doyle R. Pugmire, Chair



### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18<sup>th</sup> day of October, 2004, I caused to be served a true and correct copy of the foregoing by the following method to:

Mary K. Ball  
309 E. Garden Avenue  
Coeur d'Alene, ID 83814

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☐ Statehouse Mail

Alan G. Lance, Sr.  
LANCE, ELIA & ASSOCIATES, PLLC  
1199 Shoreline Drive, Suite 308  
Boise, ID 83702

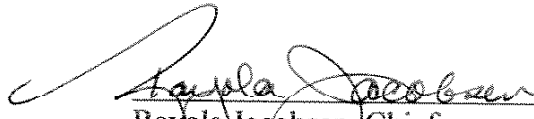
- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☐ Statehouse Mail

Robert B. Burns  
MOFFATT THOMAS  
P.O. Box 829  
Boise, ID 83701-0829

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☐ Statehouse Mail

Kenneth F. Stringfield  
Deputy Attorney General  
P.O. Box 83720  
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: \_\_\_\_\_
- ☒ Statehouse Mail

  
Rayla Jacobsen, Chief  
Bureau of Occupational Licenses